

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference NL031301WO	IMPORTANT DECLARATION	Date of mailing(day/month/year) 14/02/2005
International application No. PCT/IB2004/052214	International filing date(day/month/year) 27/10/2004	(Earliest) Priority date(day/month/year) 30/10/2003
International Patent Classification (IPC) or both national classification and IPC G11B27/034		
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
☐ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.

☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:

see further information PCT/ISA203

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Patricia Klingens-Herklots
--	---

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

The claims are so inadequately supported by the description that no meaningful opinion can be formed on the novelty and inventive step of the claimed invention (Art. 34(4)(a)(ii) PCT).

The claimed invention is a method and device for recording information on a recordable multi-layer record carrier. However, the description lacks a disclosure of mechanical, physical and optical characteristics of the carrier, of the format of the data and of the volume and file structure of the data on such a record carrier. No disclosure of a recordable multi-layer record carrier, and of a device/method for recording thereon, was referred to in the application or belonged to the common general knowledge at the filing date. It is noted that the Japanese patent application referred to on page 1 of the description does not disclose the above information.

The description refers to the DVD standards. Probably these standards contain the information necessary to carry out the invention. The established DVD standards defining the DVD volume and file structure are sold under a non-disclosure agreement by the DVD forum (see <http://www.dvdfllc.co.jp>). Therefore the DVD standards are not available to the public in the sense of Rule 33.1(a) PCT.

In view of the above, the invention is insufficiently disclosed, contrary to Art. 5 and Rule 5.1(a)(v) PCT. A meaningful search can not be carried out (Art. 17(2)(a)(ii) PCT).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.